IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.571 OF 1991

The State of Maharashtra
(At the instacne of
Customs Dept.) ...Appellant.

V/s

Anilkumar Manilal Shah
SH 2/143, Adhashya Pole,
Sultanpur Baroda, Gujarat ....Respondent.

Mr. A.M. Shringarpure, APP for the appellant.

None appears for the respondent.

CORAM: V.M.KANADE,J.
DATE: 30th November, 2004

ORAL JUDGMENT:

1. Heard the learned APP appearing on behalf of the appellant - State. None appears for the respondent.

2. The State has filed this appeal challenging the judgment and order passed by the Additional Chief Metropolitan Magistrate, 3rd Court, Esplanade Bombay who had convicted the respondent - accused under the provisions of the Customs Act and sentenced him to suffer S.I. till rising of the Court and to pay fine of Rs 1 lakh on each count and, in default, to suffer R.I. for six months. Thus the total fine of Rs 3 lakh was imposed by the Trial Court. The State has preferred this appeal seeking an order of enhancement

of sentence.

3. Prosecution's case is that the accused was working at Abudhabi and he arrived at the Sahar Airport, Bombay on 27/05/1991 alongwith his wife and children and at the Customs Clearance Counter he declared that he was carrying goods worth Rs 44,300/-. On search being taken, it was found that he was carrying 17 gold bars of 10 tolas each valued at Rs 7,43,325-/. The accused pleaded guilty to the said charge. The Trial Court has imposed a fine of Rs 3 lakhs. The personal penalty of Rs 65,000/- was also imposed on the accused in the adjudication proceedings. The accused, in this case, is not an habitual smuggler but while returning back to his country had brought gold possibly for his personal use and he candidly admitted the said offence.

4. In my view, Trial Court has given sufficient reasons for awarding the lesser sentence. I do not see any reason to interfere with the said order passed by the Trial Court. Appeal is, therefore, dismissed.

V.M. KANADE, J.